BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

WILLIAM S. FREEMON Claimant)
VS.))) Docket No. 193,628
UNITED PARCEL SERVICE Respondent))
AND	
LIBERTY MUTUAL INSURANCE COMPANY Insurance Carrier	\

ORDER

The respondent and its insurance carrier request review of the Order entered by Administrative Law Judge Steven J. Howard dated January 24, 1996.

ISSUES

The Administrative Law Judge appointed Dr. C. Erik Nye as a neutral physician to evaluate claimant under K.S.A. 44-516. The Judge ordered the parties to jointly provide to the doctor relevant medical records including those containing functional impairment ratings. The respondent and its insurance carrier requested review of that Order and contend the Judge erred by requiring the functional impairment ratings to be provided to the doctor.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

At this juncture of the proceeding, the Appeals Board lacks the jurisdiction to review the Order of the Administrative Law Judge.

The jurisdiction of the Appeals Board to review rulings of the administrative law judges issued prior to final award is statutorily created by K.S.A. 44-534a and K.S.A. 1995 Supp. 44-551. The former statute provides that the Appeals Board may review those preliminary findings pertaining to the following: (1) whether the employee suffered an accidental injury; (2) whether the injury arose out of and in the course of the employee's

IT IS SO ORDERED

employment; (3) whether notice was given or claim timely made; and (4) whether certain defenses apply. The latter statute empowers the Appeals Board to review orders of the administrative law judges issued prior to final award where it is alleged they have exceeded their jurisdiction and authority.

Because the issue presented here is not one of those specific jurisdictional issues listed in K.S.A. 44-534a, nor is it alleged the Administrative Law Judge exceeded his jurisdiction and authority, the issue is not reviewable at this time.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Steven J. Howard entered in this proceeding on January 24, 1996 remains in full force and effect and this review should be, and hereby is, dismissed.

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Dated this day of Ap	ril 1996.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Keith L. Mark, Mission, KS Frederick J. Greenbaum, Kansas City, KS Steven J. Howard, Administrative Law Judge Philip S. Harness, Director